

HOUSE BILL No. 1054

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-8.1-4.

Synopsis: Employment certificates for students. Allows an issuing officer to issue a second employment certificate for an employed child who wishes to have two jobs if: (1) the child's second prospective employer provides proof of prospective employment; and (2) the child's parent or the child, if the child is an emancipated minor, certifies that the child will not violate length and time of employment restrictions by working at two jobs. Removes limitations on the hours that a child may work during summer vacation or a similar break at the end of the child's school year when the child is not attending summer school or a similar program. Provides that an issuing officer must keep a copy of each employment certificate issued to a child until the child becomes eighteen years of age.

Effective: Upon passage.

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January 6, 1999, read first time and referred to Committee on Labor and Employment.



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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1054

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-8.1-4-11 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. ~~Proof of~~
3 **Prospective Employment.** (a) As proof of prospective employment, the
4 issuing officer shall require a written statement signed by the person for
5 whom the child is to work, setting forth the nature of work which the
6 child is to perform.

7 (b) When a child's employment terminates, the employer shall
8 immediately notify the issuing officer in writing of the termination and
9 the date on which ~~it~~ **the termination** occurred. This notice shall be on
10 a blank form attached to the child's employment certificate.

11 (c) **Except as provided in subsection (e),** it is unlawful for an
12 issuing officer to issue a subsequent certificate until ~~he~~ **the issuing**
13 **officer** has:

- 14 (1) received a termination notice from the current employer; or
15 (2) otherwise determined that the child's employment has
16 terminated.

17 (d) An employment certificate may be used at not more than two (2)



locations within the same enterprise if the enterprise complies with the hour restrictions prescribed in section 20 of this chapter.

(e) **An issuing officer may issue one (1) additional employment certificate for a child who wishes employment at a second job if the following conditions are met:**

(1) **The child's prospective employer provides proof that complies with subsection (a) of prospective employment at a second job.**

(2) **The child, if the child is an emancipated minor, or a parent of the child certifies to the issuing officer that the employment of the child by two (2) employers will not cause a violation of section 20 of this chapter concerning the permissible length and time of employment of the child.**

SECTION 2. IC 20-8.1-4-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) This section applies only to occupations for which a child who is **at least** fourteen (14) years of age ~~or older~~ and less than eighteen (18) years of age must obtain an employment certificate under this chapter.

(b) **This section applies only at the following times:**

(1) **For a child who is enrolled in a school, during the school year of the child's school.**

(2) **For a child who is at least fourteen (14) years of age and less than sixteen (16) years of age and who is not enrolled in a school, from the first day after Labor Day through May 31 of a calendar year.**

(3) **For a child who is enrolled in summer school or a similar program of school instruction at the end of the school year of the child's school, the time from the beginning of the instructional program until the conclusion of the instructional program.**

~~(b) The following apply only to (c)~~ (c) **A child who is at least fourteen (14) years of age ~~or older~~ and less than sixteen (16) years of age may not work:**

(1) ~~The child may not work~~ before 7:00 a.m. or after 7:00 p.m.; ~~However, the child may work until 9:00 p.m. from June 1 through Labor Day.~~

(2) ~~The child may not work:~~

~~(A)~~ more than three (3) hours on a school day;

~~(B)~~

(3) more than eighteen (18) hours in a school week;

~~(C)~~

(4) more than eight (8) hours on a nonschool day; or



- 1 ~~(D)~~
2 (5) more than forty (40) hours in a nonschool week.
3 ~~(c)~~ (d) A child who is at least sixteen (16) years of age and less than
4 eighteen (18) years of age may not work:
5 (1) ~~for~~ more than eight (8) hours in any one (1) day;
6 (2) ~~for~~ more than forty (40) hours in any one (1) week;
7 (3) ~~for~~ more than six (6) days in any one (1) week; or
8 (4) before 6:00 a.m.
9 ~~(d)~~ (e) A child who is at least sixteen (16) years of age and less than
10 seventeen (17) years of age may work until 10:00 p.m. on nights that
11 are followed by a school day in any occupation except ~~those an~~
12 **occupation** which the commissioner of labor determines to be:
13 (1) dangerous to life or limb; or
14 (2) injurious to health or morals.
15 ~~(e)~~ (f) An employer may employ a child who is at least sixteen (16)
16 years of age and less than seventeen (17) years of age to work until
17 midnight if:
18 (1) the work will be performed
19 ~~(A) while schools are closed for summer vacation; or~~
20 ~~(B)~~ on days that are not followed by a school day; and
21 (2) the employer has:
22 (A) obtained written permission from ~~a~~ **the** child's parent; and
23 (B) placed the written permission on file in the employer's
24 office.
25 (f) If an employer has obtained written permission required under
26 subsection (e), the employer may employ a child who is at least sixteen
27 ~~(16)~~ years of age but less than eighteen (18) years of age for periods
28 that do not exceed a total of nine (9) hours in any one (1) day and a
29 total of ~~forty-eight (48)~~ hours in any one (1) week during summer
30 vacation from school.
31 (g) A child who is:
32 (1) **at least** seventeen (17) years of age ~~or older~~ but less than
33 eighteen (18) years of age; and
34 (2) a student in grades 9 through 12;
35 may work until 11:30 p.m. on nights that are followed by a school day.
36 A child covered by this subsection may work later than 11:30 p.m. on
37 nights followed by a school day if the employer has obtained written
38 permission from the child's parent and placed the permission on file in
39 the employer's office. However, the nights followed by a school day on
40 which a child works later than 11:30 p.m. may not be consecutive and
41 may not exceed two (2) nights per week.
42 (h) ~~Children~~ **Notwithstanding any provision of this section, a**



child who are is at least sixteen (16) years of age **or older** and less than eighteen (18) years of age may be employed **for** the same daily and weekly hours and at the same times of day as **adults an adult** if **they fit** into **any one (1) of the following categories: the child:**

- (1) **They are is** a high school graduate;
- (2) **They have has** completed an approved vocational or special education program; **or**
- (3) **They are is** not enrolled in a regular school term.

SECTION 3. IC 20-8.1-4-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 30. ~~(Application)~~

(a) This chapter applies to all persons under the age of eighteen (18) years who are employed or are seeking employment in Indiana. A person under eighteen (18) years of age who is a resident of Indiana and who requires an employment certificate shall obtain it from the issuing officers of the school corporation in which such person resides. A person under eighteen (18) years of age who is not a resident of Indiana and who requires an employment certificate to work in Indiana shall obtain it from the issuing officer of the school corporation in which such person is employed or is seeking employment. However, the judge of a court with juvenile jurisdiction may suspend the application of this chapter in cases involving juvenile delinquents or incorrigibles whenever, in his judgment, the welfare of any child warrants this action.

(b) **An issuing officer shall keep a copy of each employment certificate issued for a person until the person becomes eighteen (18) years of age.**

SECTION 4. **An emergency is declared for this act.**



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